

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Municipal Administration & Urban Development Department - Andhra Pradesh Municipalities (Inclusion or Exclusion of areas into/ from the inclusion of Municipalities/ Nagar Panchayats) Rules, 2015 - Notification - Issued.

---

**MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (G2) DEPARTMENT**

---

**G.O.MS.No. 114**

**DATED:05.05.2015.**

**Read the following:**

1. G.O.Ms.No. 63, MA & UD (ELEC.I) Dept., dated 18.02.2006.
2. G.O.Ms.No. 22, MA & UD (ELEC.I) Dept., dated 16.01.2007.
3. A.P. High Court common orders, dated 28.07.2010, in W.P.Nos. 7003 of 2006 and 2256 of 2007 and 18257 of 2008.
4. The Commissioner & Director of Municipal Administration, Andhra Pradesh Hyderabad, Letter Roc. No.4854/2006/Elec.III, dated 09.11.2013.
5. G.O.Ms.No. 479, MA & UD (Elec.I) Dept., dated 28.11.2013.
6. From Sri M. Prasad Rao, I.A.S (Retd.) Urban Governance Expert, Project Monitoring Unit, Andhra Pradesh Urban Finance Infrastructure Development Corporation, letter No. 076/UGE/PMU/2014, dated 21.02.2014.
7. From the Commissioner & Director of Municipal Administration, Andhra Pradesh, Hyderabad, Letter No. 4854/Elec.III/2006, dated 28.02.2014.

-oOo-

**ORDER:**

In the G.O., 1<sup>st</sup> read above, Andhra Pradesh Municipalities (Inclusion or exclusion of areas into / from the limits of Municipalities / Nagar Panchayats) Rules, 2006 were issued.

2. In the G.O. 2<sup>nd</sup> read above, orders were issued altering the limits of Kandukur Municipality by Including / Excluding the certain areas from and into the limits of Kandukur Municipality.

3. Aggrieved by the orders of inclusion of / exclusion of areas into / from the limits of Kandukur Municipality, certain individual were approached the High Court by filing W.P. Nos. 7003 of 2006 and 2256 of 2007 and 18257 of 2008.

4. The Hon'ble High Court in its orders, Dated:28.07.2010 in the above W.Ps., has observed that the rules, "the Andhra Pradesh Municipalities (inclusion or exclusion of areas into / from the limits of the Municipalities / Nagar Panchayats) Rules, 2006 issued in G.O.Ms.No. 63, MA & UD Department, dated 18.02.2006 framed by Government in exercise of the powers under sections 3 (1-A) and 326 of the Andhra Pradesh Municipalities Act, 1965 do not suffer any legal infirmity, but the same need to be re-structured and re-framed, even while retaining the scheme contained therein, by taking the assistance of persons conversant with the drafting and framing of the provisions of law and allowed the W.P. Nos. 2256 of 2007 and 18257 of 2008 and set aside the orders issued in G.O.Ms.No. 22, MA & UD Dept., dated 16.01.2007.

5. In light of the above, orders were issued in the G.O. 5<sup>th</sup> read above constituting a committee headed by Sri M. Prasad Rao, I.A.S (Retd.), Urban Governance Expert, Project Monitoring Unit, Andhra Pradesh Urban Finance Infrastructure Development Corporation, Hyderabad with other members who were well versed with the drafting and framing of the provisions of law to examine the Andhra Pradesh Municipalities (Inclusion or Exclusion of the areas into / from the limits of Municipalities / Nagar Panchayats) Rules, 2006 and submit report to the Government.

6. The above Committee have examined and submitted draft "A.P. Municipalities (Inclusion or Exclusion of areas into / from the jurisdiction of the Municipalities / Nagar Panchayats) Rules, 2014" for consideration of the Government in the letter 6<sup>th</sup> read above.

7. Government after careful examination of the matter have accepted draft rules and decided to issue the Andhra Pradesh Municipalities (Inclusion or Exclusion of areas into / from the jurisdiction of the Municipalities / Nagar Panchayats) Rules, 2015.

**(Contd.P.2)**

8. Accordingly, the following notification will be published in an Extra-Ordinary issue of the Andhra Pradesh Gazette **dated: 08.05.2015.**

### **NOTIFICATION**

In exercise of the powers conferred by sub-section (1) of section 326 read with proviso to section 3 (1-A) of the Andhra Pradesh Municipalities Act, 1965, (Andhra Pradesh Act 6 of 1965), and in supersession of the Andhra Pradesh Municipalities (Inclusion / Exclusion of areas into / from the limits of Municipalities / Nagar Panchayats) Rules, 2006 issued in G.O.Ms.No.63, MA & UD (Elec.II) Department, Dated: the 18<sup>th</sup> February, 2006, the Governor of Andhra Pradesh hereby makes the following rules for the Andhra Pradesh Municipalities (inclusion or exclusion of areas into / from the jurisdiction of the Municipalities / Nagar Panchayats) in the State:

### **RULES**

1. **Short title:** These rules may be called “The Andhra Pradesh Municipalities (inclusion or exclusion of areas into / from the jurisdiction of the Municipalities / Nagar Panchayats) Rules, 2015”.

2. **Definitions:** In these rules:

- (i) “Act” means the Andhra Pradesh Municipalities Act, 1965.
- (ii) “Government” means the Government of Andhra Pradesh.
- (iii) The words and expressions used but not defined in these rules shall have the meaning assigned to them in the Andhra Pradesh Municipalities Act, 1965.
- (iv) The word ‘Municipality’ wherever it occurs include ‘Nagar Panchayat’ also.

3. **Criteria for Inclusion of Areas:** A Council may initiate a proposal for inclusion of any local area or part thereof, in the vicinity of such Municipality into the jurisdiction of the Municipality subject to fulfillment of the following criteria:

- (i) The local area(s) or part of local area which are proposed to be included into the jurisdiction of Municipality shall be within a radius of 3 K.M. of the limit of the Municipality.
- (ii) The proposed area(s) shall represent significant population in its area(s).
- (iii) The proposed area(s) shall possess economic importance by way of availability of market facilities and potentiality to attract industries.
- (iv) The proposed area(s) shall be in the process of acquiring urban characteristics.

4. **Criteria for exclusion of Areas:** A Council may initiate a proposal for exclusion of any local area or part thereof, in the vicinity of such Municipality from the jurisdiction of the Municipality subject to fulfillment of the following criteria:

- (i) The local area(s) or part of local area which are proposed for exclusion from the Municipality shall be far away from the limits of the town i.e., above 3 KMs radius.
- (ii) The area(s) proposed for exclusion does not represent ample number of population in its area(s).
- (iii) The area(s) proposed for exclusion does not have any economic importance or special features which hinders the financial interest of the Municipality.
- (iv) After exclusion of the proposed area, the Municipality shall satisfy the criteria fixed for constitution of Municipality under the Andhra Pradesh Transitional Area and Smaller Urban Area (fixation of criteria) Rules, 2013.

5. **Scope for Inclusion or Exclusion of Areas:** Any proposal for inclusion or exclusion of the areas into/ from the jurisdiction of the Municipality shall satisfy all the norms as per the provisions of rule 3 or 4, as the case may be.

(Contd...P3)

**6. Representation for inclusion or exclusion of areas:** If any representation is received from any person, association, organization, institution or a local official for inclusion of any area into or exclusion of any area from the jurisdiction of the Municipality, such representation shall be placed before the Council by the Municipal Commissioner duly specifying whether the criteria mentioned in Rule 3 or 4 as the case may be is fulfilled. Thereupon, the Council shall take a decision on the said representation within a period of thirty days about inclusion into or exclusion of any area from the jurisdiction of the Municipality based upon fulfillment of the criteria mentioned in rule 3 or 4 as the case may be.

**7. Forwarding of the Proposal:**

- (i) The Municipal Commissioner shall forward the Council resolution on the proposal initiated by it under rule 3 or 4 of with his specific remarks to the Commissioner and Director of Municipal Administration through the District Collector concerned.
- (ii) Further, if the Council takes a decision that the representation received under rule 6 satisfies the criteria for inclusion of any area into or exclusion of any area from the jurisdiction of the Municipality, the Municipal Commissioner shall forward the decision of the Council on such representation with his remarks to the Commissioner & Director of Municipal Administration, Andhra Pradesh, Hyderabad through the District Collector concerned.
- (iii) The Municipal Commissioner shall forward the decision of the Council on the representation received under rule 6 with his specific remarks to the Commissioner and Director of Municipal Administration through the District Collector concerned.

**8. Role of District Collector**

The District Collector shall examine the proposal received under rule 7 in consultation with respective Gram Panchayat(s) and District Panchayat Officer. The District Collector shall issue a show cause notice to the Gram Panchayat(s) concerned inviting its views on the proposal through the District Panchayat Officer. The District Collector after considering the views of the Gram Panchayat(s) in the form of a resolution and remarks of the District Panchayat Officer thereon, may take a view at his level and move the same to the Government in Municipal Administration & Urban Development Department through the Commissioner and Director of Municipal Administration with his recommendations on the proposal.

**9. Role of Commissioner and Director of Municipal Administration**

The Commissioner and Director of Municipal Administration shall scrutinize the proposal and forward it with his recommendations to the Government in Municipal Administration and Urban Development Department.

**10. Role of Municipal Administration and Urban Development Department**

Government in Municipal Administration & Urban Development Department after examination of the proposal and if satisfied to consider the same, shall forward such proposal to the Panchayat Raj and Rural Development Department for approval.

**11. Role of Panchayat Raj and Rural Development Department**

Government in Panchayat Raj and Rural Development Department after examination of the proposal and if satisfied to accept it, shall forward the acceptance to the Municipal Administration and Urban Development Department.

**12. Decision of Municipal Administration and Urban Development Department**

- (i) On receipt of acceptance from the Panchayat Raj and Rural Development Department, the Government in Municipal Administration & Urban Development Department shall issue a show cause notice to the Council concerned on the

(Contd...P4)

proposal affording an opportunity for submission of views/ objections/ suggestions of the Council, within a period of thirty days.

- (ii) The Government shall also invite objections/suggestions from the local people on the proposal. A copy of the Show Cause notice issued to the Council shall also be affixed on the notice Board of the Municipality, inviting the views/ objections / suggestions of local people on the proposal within a period of Ten (10) days from the date of publication of the show cause notice on the notice board of the Municipality.
- (iii) After receipt of the views/objections/suggestions of the Council, Government shall consider them and take a decision for inclusion of areas into / exclusion of the areas from the jurisdiction of the Municipality. If the Council or the local people, is/are not in favour of the proposal, the Government shall consider and examine the points raised in the resolution of the Council or the representations made by the local people and take an appropriate decision.
- (iv) If the Government consider that the points raised in the resolution of the Council or the representations of local people is/are against the larger interests of the Council or the local people as the case may be, it shall set aside such resolution or the representation and take a decision for inclusion or exclusion of any area(s) into or from the jurisdiction of the Municipality. The reasons for taking such decision shall be recorded in writing.
- (v) The decision of the Municipal Administration and Urban Development Department in this matter shall be intimated to the Panchayat Raj and Rural Development Department.

**13. Exclusion or Inclusion of areas from / into Gram Panchayat:**

- (i) After receipt of the decision of the Municipal Administration & Urban Development Department, the Panchayat Raj and Rural Development Department shall issue a show cause notice to the Gram Panchayat(s) concerned calling the views/objections / suggestions for **exclusion or inclusion of areas from / into Gram Panchayat(s) and corresponding** inclusion of areas into or exclusion of areas from the jurisdiction of the Municipality.
- (ii) The Panchayat Raj and Rural Development Department shall also invite objections/suggestions from the local people on the proposal. A copy of the Show Cause notice issued to the Gram Panchayat(s) shall also be affixed on the notice Board of the Gram Panchayat(s) concerned inviting the views/ objections / suggestions of local people on the proposal within a period of ten days from the date of publication of the show cause notice on the notice board of the Gram Panchayat(s).
- (iii) If the Gram Panchayat(s) passes resolution agreeing to the proposal, the Panchayat Raj and Rural Development Department shall issue suitable orders.
- (iv) If the Gram Panchayat(s) or local people disagrees to the proposal, the Panchayat Raj and Rural Development Department shall take a decision keeping the overall interest of the Gram Panchayat(s) and the local people and issue suitable orders. The reasons for taking the decision should be in writing.
- (v) The decision of the Panchayat Raj and Rural Development Department shall be intimated to the Municipal Administration and Urban Development Department

**14. Final decision of Panchayat Raj and Rural Development and Municipal Administration and Urban Development Departments:**

- (i) After decision is taken in **Panchayat Raj and Rural Development** Department for exclusion or inclusion of area(s) from or into the jurisdiction of the Gram Panchayat(s), the Department shall issue a notification in Andhra Pradesh Gazette for exclusion of the areas from or inclusion of areas into the jurisdiction of the Gram Panchayat(s) to enable those areas for inclusion or exclusion into or from the jurisdiction of the Municipality.

:: 5 ::

- (ii) If the Municipal Administration and Urban Development Department takes a decision for inclusion or exclusion of the areas into or from the jurisdiction of the Municipality, it shall issue a notification in Andhra Pradesh Gazette for inclusion or exclusion of the areas into or from the jurisdiction of the Municipality.
- (iii) The notifications referred in sub rules (1) and (2) shall be made simultaneously and on the same day.

**15. Re-division of wards in the Municipality**

In respect of inclusion or exclusion of any area(s) into or from the Municipality, there will be certain omission or addition of area(s) in certain ward(s) of the Municipality. To set right the discrepancies, re-division of Municipality into wards as per Andhra Pradesh Municipalities (Division of Nagar Panchayats and Municipalities into wards) Rules, 1995 shall be taken on compulsory basis before conduct of ordinary elections to such Municipality.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GIRIDHAR ARAMANE  
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner, Printing, Stationary & Stores Purchase, Hyderabad with a request to furnish 200 copies of the Gazette containing the notification to the Government.  
The Commissioner & Director of Municipal Administration, A.P., Hyderabad  
The Panchayat Raj & Rural Development (Pts.IV) Department  
The all Collector & District Magistrates, Andhra Pradesh.

//FORWARDED BY ORDER//

SECTION OFFICER